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OFFICE OF PETITIONS

In re Application of
Brian Samuel Beaman, et. al.
Application No. 09/251,988
Filed: February 17, 1999
Attorney Docket No. Y0998-088

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2009, which, for the reasons stated below, is being treated as a request for a fifth month extension of time.

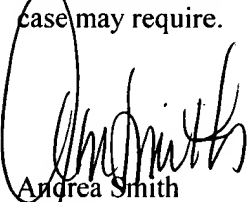
The request for a fifth month extension of time is **GRANTED**.

The record shows that the Notice of Panel Decision from Pre-Appeal Brief Review was mailed on August 14, 2008, which set a one month or the balance of the two month time period running from the receipt of the notice of appeal, whichever is greater to file a reply. Accordingly, a reply was due on or before September 14, 2008, or on or before February 14, 2009 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to an including 5 months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the \$1,620 petition fee submitted is unnecessary and will be credited to petitioner's deposit account.

Inquiries concerning this decision may be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU2829 for further action as the nature of the case may require.


Andrea Smith
Petitions Examiner
Office of Petitions